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COMMISSION ON HUMAN RIGHTS

Fifty-eighth session

SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 27 March 2002, at 10 a.m.

Chairperson:	Mr. JAKUBOWSKI	(Poland)
later:	Mr. NENE (Vice-Chairperson)	(South Africa)
later:	Mr. JAKUBOWSKI (Chairperson)	(Poland)
later:	Mr. LEWALTER (Vice-Chairperson)	(Germany)
later:	Mr. JAKUBOWSKI (Chairperson)	(Poland)

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (continued)

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The meeting was called to order at 10.05 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (continued) (E/CN.4/2002/6, 11, 13, 29-32, 126-128, 129 and Corr.1, 131 and 147; E/CN.4/2002/NGO/23, 103, 115, 130 and 165)

1. Ms. GABR (Observer for Egypt), speaking on behalf of the League of Arab States, said that human rights violations by Israeli troops in the occupied Arab territories were nothing new but they had recently reached unprecedented levels, in defiance of Security Council resolutions and the will of the international community. The Israeli occupation was the source of the violence in the occupied territories and the Palestinian people had a legitimate right to resist the Israeli occupation and aggression.

2. Israel's repressive policies and violations of international humanitarian law, which had been condemned by the Commission on Human Rights and the human rights treaty-monitoring bodies, threatened the stability of the entire Middle East region. Israel's assertion that it was acting in self-defence did not bear close scrutiny: the murder of children throwing stones at tanks, the bombing of schools and ambulances, the killing of journalists and United Nations officials or the destruction of homes could in no way be construed as self-defence.

3. She urged the Israeli Government to cooperate with the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and highlighted some of the points made by that Special Rapporteur in his report (E/CN.4/2002/32). The military occupation was the main explanation for the human rights violations committed in the occupied Palestinian territories and the living conditions in those territories were deteriorating rapidly. The expansion of Israeli settlements was an unacceptable provocation. She supported the Special Rapporteur's calls for an investigation into allegations of inhuman and degrading treatment of Palestinians and agreed with him that the only way forward was to send observers and a peacekeeping force to the region.

4. She urged the Commission to condemn Israeli practices in the occupied territories and to reassert the universality of human rights. Arab attempts to break the cycle of violence, including initiatives by President Mubarak and Crown Prince Abdullah, had been rejected by the Israeli Prime Minister. A just and lasting peace could not be achieved unless the Israeli forces withdrew from the occupied territories and complied fully with the relevant Security Council resolutions.

5. Mr. RAJMAH (Malaysia), speaking on behalf of the States members of the Organization of the Islamic Conference (OIC), said it was clear from the report of the Special Rapporteur that the Palestinians in the occupied territories were the victims of human rights abuses committed by the Israelis. Among the most flagrant human rights violations were the inhuman treatment of children, the demolition of Palestinian homes, restrictions on freedom of movement and the disconnection of water supplies. The number of casualties in the conflict was rising rapidly. Despite the numerous resolutions adopted by United Nations organs, the situation was getting worse, not better, as Israel continued to show a flagrant disregard for international humanitarian law. The Commission should take more effective steps to guarantee the rights of the people in the occupied Palestinian territories and Syrian Golan.

6. The human rights situation in the occupied territories would not improve as long as Israel continued to resort to military force rather than to dialogue. If further carnage were to be avoided, Israel must halt its aggression against the Palestinians. The Conference of High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention) held in December 2001 had reaffirmed that the Convention applied to the occupied Palestinian territories and he urged the Government of Israel to abide by its obligations under that Convention.

7. He agreed with the Special Rapporteur on the need for an international presence to reduce violence and restore respect for the human rights of Palestinians. The situation in the occupied territories needed to be monitored by impartial observers or a peacekeeping force. At the same time, the OIC was concerned about the safety of humanitarian workers from agencies such as the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the International Committee of the Red Cross (ICRC), whose work was vital for the survival of the Palestinian people.

8. The policy of the Israeli Prime Minister was to justify Israel's savage attacks on President Arafat and the Palestinians as part of the "global war against terrorism" and, not surprisingly, Israel had challenged the mandate of the Special Rapporteur. Nevertheless, as the Special Rapporteur put it, the world knew that it was the occupation of Palestinian territory that gave rise to savage acts of violence, highlighted by suicide bombings (E/CN.4/2002/32, para. 13). A just and lasting peace could be achieved in the region only if the root causes of terrorism were addressed. Israel could do that in one fell swoop by allowing the Palestinian people their legitimate right to an independent State. The next move was for Israel to make, as it always had been.

9. Mr. PÉREZ-VILLANUEVA y TOVAR (Spain), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, as well as Iceland, Liechtenstein and Norway, said that human rights were the foundation of all viable and peaceful democratic systems, as well as being an effective conflict-prevention tool and the basis for peaceful relations between countries. Recalling that Israel was a party to a number of international human rights instruments, he urged both Israel and the Palestinian Authority to honour their obligations in the field of human rights.

10. In the past year, Israeli military operations in the occupied territories and the illegal presence of Jewish settlements there had led to numerous human rights violations. The Palestinian Authority had a duty to combat terrorism by all legitimate means, but its ability to do so must not be restricted: meanwhile Israel, which had the right to combat terrorism, should immediately withdraw its troops from the areas under the control of the Palestinian Authority. There was no military solution to the conflict, and violence led only to more violence and suffering. He called on both parties to stop all acts of violence, including acts of terror, provocation, incitement and destruction, which had led to the deaths of 1,400 Palestinians and 350 Israelis since September 2000. The deaths of children on both sides were especially alarming, as children were the hope for a peaceful future.

11. Peace and security could be achieved only through negotiations dealing with the security, economic and political aspects in a single process, in which political and security considerations mutually reinforced each other. The two parties each had legitimate security concerns, but they must be addressed with full respect for human rights and the rule of law. The negotiations should be based on Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002), the principles agreed on at the Madrid Conference and the Oslo and subsequent agreements. The Union called for the immediate implementation of Security Council resolution 1397 (2002) and urged both parties to take immediate steps to stop the violence. It also reiterated its call to the two parties to cooperate in the implementation of the Tenet Plan and the recommendations of the Mitchell Report and to resume negotiations on a political settlement.

12. In the search for a solution to the Israeli-Palestinian conflict, the objective was twofold: to create a democratic, viable and independent State of Palestine by bringing the Israeli occupation to an end and to protect Israel's right to live within secure and stable borders guaranteed by the international community, and particularly by the Arab States. The Union would continue to cooperate in the search for peace with all the parties having an interest in the conflict and with their special representatives and envoys. It welcomed the initiative by Crown Prince Abdullah of Saudi Arabia, which opened up a unique opportunity to achieve a just settlement to the conflict. The Union was convinced that a third-party monitoring mechanism would help both parties in their peace efforts and urged them to accept the presence of observers.

13. He reiterated the Union's view that the Fourth Geneva Convention was fully applicable to the occupied Palestinian territories, including East Jerusalem, and welcomed the Declaration made at the Conference of High Contracting Parties to the Convention in December 2001, which reminded the parties of their obligations in the conflict.

14. The Union welcomed the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/2002/32) but regretted the Israeli Government's failure to cooperate with him; it still believed that his mandate, like that of other rapporteurs, should be subject to regular renewal by the Commission.

15. The Union strongly condemned the extrajudicial killings of Palestinians, which were not only a violation of human rights but also an obstacle to peace, and called on Israel to put an immediate end to the practice, which was unacceptable in a State governed by the rule of law. It also condemned the use of disproportionate and indiscriminate force and urged Israel to do everything in its power to ensure that its security forces observed international standards concerning the use of force.

16. The closure of Palestinian territories, including East Jerusalem, seriously undermined the economic, social and cultural rights of Palestinians and constituted a form of collective punishment that was prohibited under international law. The closures should be lifted and both parties should ensure access to the holy places. The numerous checkpoints and roadblocks had inflicted severe damage on the Palestinian economy, leading to dramatic rises in unemployment and poverty.

17. Israel should take the necessary steps to allow the Palestinian economy to return to normal and should, in particular, pay the money it owed the Palestinian Authority. The restrictions on movement had also seriously affected school attendance and access to health care: the Union condemned the attacks made on schools and called on both sides to provide education that encouraged tolerance and peaceful coexistence.

18. The Union was particularly disturbed by the failure of the Israel Defence Forces (IDF) to protect journalists and medical staff going about their work, with the result that several humanitarian workers had been killed. It also condemned the use of UNRWA facilities by Israeli forces. Health personnel and facilities were protected by international law and humanitarian organizations must be allowed to enter the Palestinian territories to carry out their work.

19. The Union demanded that the Israeli army refrain from occupying refugee camps and expressed its concern at the large number of cases of arbitrary detention, including the arbitrary detention of children. The situation of so-called "administrative detainees" held without trial was particularly worrying and the Union called on the Israeli Government to release immediately all persons being arbitrarily detained.

20. He expressed concern at the destruction of the infrastructure, agriculture and other facilities needed for the economic and social development of Palestine, some of which had been funded by the Union, and urged the Israeli Government to end that practice. The Union also continued strongly to oppose settlement activities in the occupied territories, including East Jerusalem, such as the construction of new buildings and roads, the expropriation of land, preferential water distribution and the demolition of homes, all of which were violations of international law. It called on the Israeli Government to reverse its settlement policy and to ensure that acts of violence committed by Israeli settlers were deterred, investigated and punished.

21. The human rights situation under the Palestinian Authority also continued to give cause for concern, particularly with regard to problems in bringing to justice those who committed crimes. Arbitrary arrests, lack of due process, torture and illegal procedures by the Palestinian security forces were completely unacceptable. The Palestinian Authority must take all necessary steps to ensure full respect for the independence of the judiciary as soon as possible. The Union welcomed the decision by the Palestinian Authority to commute death sentences to life imprisonment, but urged the Authority to prevent any further cases of lynching. The right to freedom of expression had been violated by the Palestinian authorities and journalists had been harassed and intimidated: the Palestinian Authority must make every effort to ensure respect for the rights to freedom of expression and assembly and the right to elect leaders freely, as well as respect for the rule of law.

22. He concluded by noting that the Union had contributed €3.47 billion in assistance to the West Bank, Gaza and UNRWA and was ready to contribute fully to peace-building in the region, with the aim of improving the living conditions of the Palestinian people, supporting the Palestinian Authority, strengthening the economic basis of the future State of Palestine, and promoting development and regional economic integration. He hoped therefore that there would

soon be a meeting of the Ad Hoc Liaison Committee. Lastly, he drew attention to the need to safeguard the human rights of persons living in the Golan Heights and noted that the Union supported a negotiated solution between Israel and Syria.

23. Mr. ARENALES FORNO (Guatemala) said that, under agenda item 8, the Commission was paying a disproportionate amount of attention to the Israeli-Palestinian situation; specific situations should be considered in all their aspects under agenda item 9. As a result, the resolutions on the item under discussion were not objective and were full of inflammatory language and biased and tendentious references to Security Council resolutions, while they systematically ignored the need to recognize Israel's right to exist as a State within secure borders. The main problem was that the special rapporteurs and many representatives forgot two things: one was the responsibility borne by other States of the region which had invaded Israel and refused to recognize it; the other was the role of the Palestinian Authority in safeguarding human rights and fundamental freedoms in the territories under its control.

24. It made no sense to treat Israel as the sole aggressor and as solely responsible for upholding human rights, when its Government was mostly reacting to what the Palestinian Authority either did or did not do or responding to the actions of countries intent on destroying Israel. Too many observers ignored the link between withdrawal and recognition of the State of Israel, which was nevertheless the basis of the relevant Security Council resolutions. The time had come to reconsider how the Israeli-Palestinian problem could be dealt with objectively and responsibly. The proposal put forward by Crown Prince Abdullah was an encouraging one but it had unfortunately been rejected by countries in the region that were more interested in Israel's destruction than in the rights and the future of the Palestinian people.

25. The Israeli-Palestinian conflict was indeed a serious and bloody affair but that was no reason to ignore genocide, wars and atrocities in other parts of the world. The Commission was in danger of being hijacked by those who wished to impose an anti-Semitic agenda, as had happened at the recent World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

26. Mr. LIU Xinsheng (China) said it was regrettable that, since September 2000, there had been a constant escalation of the Israeli-Palestinian conflict, which had seriously hindered the Middle East peace process. The situation remained very tense. Many civilian casualties had occurred in a series of violent acts and the setback to the peace process had aroused general concern. The protracted deadlock not only endangered peace and security in the region but would also have negative repercussions for the peace and development of the world at large.

27. The key to the achievement of a lasting peace lay in an end to the conflict, the restoration of all the legitimate rights of the Palestinian people, including their right to national self-determination, and a just and reasonable solution to the issue of Palestine. The international community should seek effective ways to end the bloodshed at an early date.

28. His delegation once again urged Israel to stop its military action forthwith and withdraw its troops. Using violence to counter violence could not but deepen mutual hatred and would not be conducive to a comprehensive settlement. Only through negotiations and dialogue could there be a hope of peace and a real solution.

29. His delegation had consistently supported the struggle of the Palestinian people for the restoration of their legitimate national rights. It had also actively supported the Middle East peace process. All its actions showed its clear desire to work with the international community to promote an early settlement of the issue, so that lasting peace and stability in the region could be achieved and the human rights and fundamental freedoms of the Palestinian people restored.

30. Mr. NENE (South Africa), Vice-Chairperson, took the Chair.

31. Mr. AKRAM (Pakistan) said that the extremely serious situation of human rights in the Palestinian and occupied Arab territories required urgent action by the Commission, which must respond to the anguish of the Palestinian people and the tragedy taking place in the Holy Land. The isolation imposed on President Arafat by Israel epitomized the plight of the Palestinian people. Everyone should welcome the statement by President Arafat's Special Envoy, an appeal to reason and for justice that the Commission should endorse.

32. The situation in the occupied territories had deteriorated seriously in the past 18 months. Palestinian refugees in the West Bank, whose camps were the easiest and most vulnerable of targets, were subjected to multiple human rights violations and formed the largest proportion of those killed in the current conflict. The demolition of physical infrastructure, business properties and farmlands constituted collective punishments in violation of international humanitarian law. The Conference of High Contracting Parties to the Fourth Geneva Convention had affirmed the applicability of the Convention to the situation.

33. Even the Secretary-General, who was always circumspect in the expression of his views, had been moved to express profound concern in the Security Council at the increasing use of heavy weaponry by Israel in civilian areas, going on to speak of the hardship suffered by Palestinian civilians and the growing disregard on the part of IDF for the safety of medical and ambulance personnel who attempted to treat and evacuate the wounded from conflict zones. The Special Rapporteur's recommendation that an international peacekeeping mission be deployed was deserving of urgent implementation.

34. Recent incursions by the Israeli forces should be immediately reversed. The Israeli policy of expanding settlements should be halted immediately, since it undermined the possibility of creating a viable Palestinian State, as endorsed by the Security Council. In that context, his delegation welcomed the adoption of Security Council resolution 1397 (2002), with its demand for the immediate cessation of all acts of violence in the region and the resumption of negotiations for a political settlement. It fully supported all efforts for the revival of the peace process, including the recent initiative by the Crown Prince of Saudi Arabia.

35. Mr. RAKOVSKY (Russian Federation) said that his delegation viewed the situation in the Middle East, where the violence had reached unprecedented levels, with deep alarm and concern. The list of casualties in the occupied territories grew daily and totalled in the thousands. Palestinians, Israelis and international aid workers, men, women and children, were dying. The social and economic infrastructure was suffering serious damage. International peace and security were threatened and human rights violations in the region were constantly increasing.

36. The Middle East was at a crossroads. The whole future of the region depended on how current events developed, particularly in the Palestinian territories. The priority was to defuse the situation and get the Israelis and the Palestinians back to the negotiating table. To avoid further deterioration in the situation, an immediate and unconditional halt to the escalation of violence must be called and immediate measures adopted to normalize the situation. The Israeli and the Palestinian authorities must both take radical steps to break the vicious circle in the region. They must work together, with the support of the international community, to devise such measures.

37. His delegation fully shared the view expressed by the Special Rapporteur in his report (E/CN.4/2002/32) - the late issue of which he deplored - that the Israeli occupation of the Palestinian territories was responsible for most of the violations of humanitarian law and human rights in the region. The Special Rapporteur's mandate should be extended. His delegation also acknowledged the applicability of the Fourth Geneva Convention to the situation in the occupied territories.

38. A just and lasting peace would be achieved by a renewal of the negotiating process. His delegation had no new initiatives to put forward, but there were some promising proposals on the table. Above all, a dialogue should be freely entered into by both sides. A solution should be found on the basis of Security Council resolutions 242 (1967) and 338 (1973), the outcome of the Madrid Conference and the agreements reached to date. His delegation supported the right of the Palestinian people to self-determination and the establishment of an independent State.

39. The adoption of Security Council resolution 1397 (2002), which offered both sides a constructive and realistic prospect of a way forward, could give a real impetus to resolving the crisis. His delegation was confident that the two parties would accept the Security Council's proposal that they should rely on the coordinated actions of the Russian Federation, the United States, the European Union, the United Nations and other parties not only to end the Israel-Palestine confrontation but to achieve a comprehensive peace in the Middle East as a whole. The proposal by Crown Prince Abdullah was an extremely significant one, particularly in that it sent a positive message from the Arab side to the people and Government of Israel. The statements made at the Barcelona summit of the European Union were also positive.

40. His delegation would continue to work towards a solution, coordinating its activities with other international mediators, particularly the United States Special Envoy, the European Union, the United Nations, Egypt, Jordan and other interested parties, on the basis of the Tenet Plan and the Mitchell Report. Only through coordinated action could new and serious human rights violations be averted and the lives of millions in the region return to normality.

41. Ms. GERVAIS-VIDRICAIRE (Canada) said that the conflict in the Middle East spoke to the most fundamental values and concerns. Too many Israeli and Palestinian lives had been lost or shattered. There was no alternative to a peace achieved at the negotiating table. A glimmer of hope had, however, appeared. The efforts of the United States Special Envoy to secure a ceasefire must bear fruit and attempts to derail the recent progress must not succeed. Her delegation welcomed Israel's restraint in the face of suicide bombings. The peace initiative

proposed by the Crown Prince of Saudi Arabia - which her delegation welcomed - was also gaining momentum. The Arab League would doubtless consider the proposal seriously and lend its support to efforts to bring a comprehensive peace to the region.

42. The Commission, too, had an obligation to nurture such positive developments. It must, however, focus on its task of protecting and promoting human rights and not on other issues. Declarations singling out one of the parties to the conflict did not contribute to a resolution of the crisis and were detrimental to the diplomatic process. In that connection, she reiterated her delegation's strong support for Israel's fundamental right to security and well-being. The Commission's approach should reflect that of the recent landmark Security Council resolution 1397 (2002).

43. Her delegation strongly condemned terrorist attacks and called on all parties in the region which truly sought peace to condemn such attacks. All States had the right to the recognition and acceptance of their neighbours. Both Israel and the Palestinians must reaffirm their commitment to negotiations as the only viable path to peace.

44. Israel's occupation of the Palestinian territories, including East Jerusalem, and the Palestinian Authority's failures of governance had both resulted in violations of human rights, which constituted an impediment to peace. Her delegation continued to oppose illegal Israeli settlement activities in the occupied territories, the ill-treatment of detainees, land confiscation, demolition of civilian housing and other infrastructure, the use of administrative detention and the targeting, without trial, of those suspected of terrorist acts. The expansion of Israeli settlements in the occupied territories undermined the prospects for a fair-minded peace.

45. There was no moral equivalency between suicide bombings and the retaliation thereto. While sharing Israel's outrage at the terrorist attacks it had suffered, her delegation believed that Israel's response must be measured and proportionate. The restrictions on Palestinians' freedom of movement had resulted in increased hardship. The disproportionate use of force in built-up areas, especially refugee camps, and the frequent use of lethal weaponry, were of particular concern. Attacks against individuals believed to be responsible for terrorist activity were also a matter of concern; innocent bystanders had lost their lives. The number of Palestinian administrative detainees also continued to rise.

46. Israel should not impede the delivery of humanitarian aid to those in need. Her delegation was deeply concerned at reports of ambulances being denied to wounded civilians, delayed at checkpoints or being fired upon.

47. The human rights record of the Palestinian Authority was a matter of equally serious concern. All necessary action must be taken to prevent further terrorist attacks and to bring to justice those responsible for those that had occurred. Indiscriminate attacks on civilians, including those carried out by suicide bombers, violated the rules of both humanitarian and international law, as well as doing a disservice to legitimate Palestinian aspirations. The Palestinian Authority must do more to prevent the culture of violence that produced suicide bombers. Unchecked incitement against Israel through official media outlets, in schools and in public statements by religious and community leaders had contributed to that culture. The Palestinian leadership must use all the means at its disposal to foster a culture of peace.

48. The high proportion of resources available to nine different Palestinian security forces was a matter of concern, as was their involvement in terrorist activities and practices such as arbitrary arrest, ill-treatment of detainees and trials that did not conform to international standards. The involvement of the security forces in the illegal import and manufacture of weapons, and their links to horrific attacks against Israeli civilians, were unacceptable and must stop.

49. Her delegation was currently engaged in a number of activities to promote respect for human rights, tolerance and peace education in the Middle East. It was particularly supportive of the efforts of the Regional Human Security Centre in Amman to address the complex challenges facing the region.

50. Ms. AL-HAJJAJI (Libyan Arab Jamahiriya) having commended the report of the Special Rapporteur (E/CN.4/2002/32), which supplied a whole range of legal arguments against the Israeli occupation of the Palestinian territories, said that previous speakers had listed the constant violations of human rights and international humanitarian law. The Commission had, however, been hearing such statements for decades but no progress had been made. She wondered why that was so and whether Israel was a rogue State, which the international community was unable to control.

51. Israel's treatment of the Palestinians was undoubtedly a violation of article 3 of the Universal Declaration of Human Rights and its use of torture a violation of article 9 of the Declaration, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and of the Fourth Geneva Convention. Similarly, the establishment of settlements was a violation of article 49 of the latter Convention. If that Convention did not apply, as the Government of Israel asserted, the question arose as to what its purpose was at all if genocide, involving the destruction of an unarmed people, had become permissible.

52. The Israeli occupation, the purpose of which was to steal Palestinian land, eject the population and bring in new settlers, must stop. It was impossible to understand how Israel could justify occupying Palestinian territories or meting out inhuman treatment to the Palestinians.

53. Mr. Jakubowski (Poland) resumed the Chair.

54. Mr. SABHARWAL (India) said that, since the time of Mahatma Gandhi, his Government's support for the Palestinian cause had been strong and unwavering, starting with its vote against the partition of Palestine. It had actively supported peace initiatives in the Middle East, being committed to a just and lasting peace based on Security Council resolutions. It supported the legitimate right of the Palestinian people to self-determination and a homeland, as well as the right of all States in the region, including Israel and Palestine, to exist peacefully within secure and internationally recognized borders.

55. His delegation was convinced that, under President Arafat's leadership, the Palestinian people stood on the threshold of a new era in which their national aspirations could be realized. When the Madrid Conference had been convened, his delegation had shared the general

optimism that the mutual obligations of the two sides would be respected and that there would be moves towards final status talks to settle complicated issues. That had not occurred, however, and the resulting frustration of the Palestinian people had found expression in the intifada.

56. The tragic cycle of violence that had engulfed the Middle East since September 2000 had been damaging to peace and stability. There had been deliberate acts of provocation, excessive use of force and a violation of basic human rights, including the right to life. The violence had derailed the peace process and severely dented the trust between the parties, without which there could be no forward movement. The overriding need was therefore for restraint. It was also to be hoped that Israel would respect the overwhelming sentiment of the international community and freeze all settlement activity.

57. The Mitchell Report and the Tenet Plan could facilitate a transition from the current situation of strife to the negotiating table. Unrealistic conditions should not be placed on the implementation of the Mitchell Report. The proposal by the Crown Prince of Saudi Arabia was a positive step.

58. Nothing should be done to undermine President Arafat, who embodied the struggle and aspirations of the Palestinian people and had recently offered his hand "to make the peace of the brave".

59. An unfortunate consequence of the current violence was the severe impoverishment of the people in the West Bank and Gaza Strip, which should be addressed on an urgent basis. There should be an immediate easing of restrictions on Palestinians and funds due to the Palestinian Authority should be made available. His delegation remained ready to engage with the Palestinian Authority and people in their reconstruction efforts. Ultimately, however, it was for the parties themselves to shoulder the major responsibility for achieving a permanent solution.

60. Mr. WISNUMURTI (Indonesia), after endorsing the statement by the spokesman for OIC, deplored the intensified and disproportionate use of military force and repression by the Israeli occupying forces in the Palestinian territories, which demonstrated an increasing disregard for human life and dignity in defiance of the international community's appeals for restraint. The spate of indiscriminate killings and destruction of Palestinian property, the collective punishment of innocent civilians, the tight siege imposed on towns, villages and camps, the continuing restrictions on President Arafat's movements, Israel's acknowledged practice of selective assassinations of Palestinian activists and the continuing construction of illegal settlements in the West Bank and Gaza Strip were all matters of great concern.

61. His delegation welcomed Security Council resolution 1397 (2002) and called on the Israeli Government to heed the recommendations of the Special Rapporteur and the High Commissioner. The Commission should redouble its efforts to ensure that the Israeli Government respected the human rights and fundamental freedoms of the Palestinian people. His delegation supported all diplomatic efforts to resume the political dialogue with a view to securing a comprehensive, just and durable peace settlement in the Middle East, and he emphasized the pivotal role to be played by President Arafat in future peace negotiations.

62. Mr. DEMBRI (Algeria) said that his delegation aligned itself with the statements made by the representative of Malaysia, on behalf of the member States of OIC, and of the Observer for Egypt, on behalf of the League of Arab States. It also welcomed the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/2002/32) and that of the Special Rapporteur on adequate housing.

63. Despite the appalling toll in civilian lives lost, property destroyed, and populations deported, the Commission continued to consider the situation in the occupied Palestinian territories year after year, in an almost bureaucratic manner, as though nothing was happening. Even the infrastructure of the territories that had been built through the generosity and solidarity of the international community was being destroyed.

64. It was not surprising that Israel did not comply with the Commission's resolutions. Israel believed that whatever action the international community took was unilateral and therefore unacceptable. He wondered which body Israel would be prepared to account to for its policies of repression, occupation and destruction, or for its massacres and deportations.

65. All the hopes raised in Madrid and Oslo had been dashed by Israel's refusal to honour the commitments it had entered into. Since the beginning of the second intifada, 1,272 Palestinians had been killed, 221 of them aged under 18; 17,543 had been wounded, 6,010 of them children; and 1,503 had been maimed for life. Thousands of houses had been bombed and hundreds demolished; more than 100,000 olive trees had been uprooted and 3 million square metres of arable land destroyed. It was difficult to comprehend how the Commission could continue mechanically recording such statistics of destruction without intervening.

66. He had been taken to task by the observer for Israel for references he had made to the tragedy of the Jews in Europe. The Palestinian people saw, however, their own tragedy reflected in the suffering Jews had undergone only decades before. Every Palestinian suicide bomber was imitating the young Polish Jew who had done the same at the German Embassy in Paris in 1938 because the Nazis had stripped his parents of their nationality and left them, as stateless persons, to freeze at the border. The day would surely come when members of the Israeli Government, senior army officers and Jewish religious leaders would look at the mounds of bodies in front of the rubble of Palestinian houses and at the Palestinian children weeping over the bodies of their dead mothers and publicly repent of their crimes. On that day the State of Palestine would be born.

67. Mr. MAHMOUD (Sudan), having endorsed the statements by the observer for Egypt on behalf of the League of Arab States and by the representative of Malaysia on behalf of the member States of OIC, said that the international community must exert pressure on Israel to respect and implement resolutions adopted in international forums, and especially those of the Commission. His delegation was convinced that that was the only way to end the vicious cycle of violence in the region. If Israel persisted with its declared policy of using force against the Palestinian people, conditions could only deteriorate and regional stability would be jeopardized.

68. It was clear that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War applied to the Palestinian people as a nation under occupation. Israel, as the Occupying Power, must therefore implement all the provisions of that Convention and abide by international humanitarian law as it applied to Palestinian civilians. International observers should be deployed to prevent any further deterioration of the humanitarian situation and promote respect for the human rights of the Palestinian people.

69. Mr. ATTAR (Saudi Arabia) said that his delegation endorsed the statements made by the observer for Egypt, on behalf of the League of Arab States, and the representative of Malaysia, on behalf of the member States of OIC.

70. His Government continued to monitor with profound sadness the gross violations committed by the Israeli occupying forces in the occupied Palestinian territories. It strongly condemned the acts that had deprived innocent victims of the right to life - odious and unprecedented violations of the human rights of a defenceless people. Equally unprecedented was the total indifference of the international community to the Palestinian suffering: even the sponsors, defenders and advocates of peace were apparently oblivious to the humanitarian dimension and incapable of taking a stand.

71. No political action at the international level to contain the crisis and ensure a return to the negotiating table to establish the right of the Palestinian people to an independent State with Jerusalem as its capital could be effective as long as Israel pursued its policy of repression. Israel must realize that it would never enjoy peace as long as it continued to deny basic rights and flout United Nations resolutions and the principles of international humanitarian law. His delegation called upon the international community, and in particular the United States of America, to assume its responsibilities under the Charter of the United Nations. The most significant token of the Commission's sincere desire for security and stability in the region would be to call upon the Government of Israel to lift its blockades, comply with Security Council resolutions, remove all illegal settlements and refrain from encroaching on the holy places in Jerusalem.

72. The situations in the occupied Syrian Golan Heights and in the occupied Shabaa farms in southern Lebanon should not be forgotten. He urged the Commission to demand that the Israeli Government comply fully with the Security Council and General Assembly resolutions pertaining to the occupation of the Golan Heights, and allow humanitarian organizations to ascertain the situation of the Lebanese detainees. Israel should also hand over all maps showing the locations of its mines in southern Lebanon.

73. Mr. Lewalter (Germany), Vice-Chairperson, took the Chair.

74. Mr. AL-FAIHANI (Bahrain) said it was in the interests of all the States of the region to realize that peace was the only strategic option available. Bahrain welcomed the Saudi Arabian initiative as a sound basis for a comprehensive and just peace.

75. Respect for human rights demanded that the Arab countries in the region should support the Palestinian people through humanitarian aid, and Bahrain tried its best to do so. He had been most surprised to read a statement by Israel's Minister of Health in an Israeli newspaper describing a blood-donation campaign, organized by a Bahraini NGO on behalf of Palestinian civilians, as an attempt to support terrorism. Such statements did not serve the cause of peace and would not deter support for the Palestinian people. On the contrary, NGOs would commit themselves more firmly to their humanitarian role on behalf of Palestinians. It was to be hoped that Israel, too, would eventually provide assistance of that kind instead of persisting in violating the rights of the unarmed Palestinian people.

76. Mr. KPOTSRA (Togo) said that the developments in the occupied Palestinian territories had completely undermined the work of the humanitarian organizations there. The chief cause of the current conflict was the frustrations arising from the Israeli occupation which, since September 2000, had been exacerbated by the excessive and disproportionate use of force by the IDF. Any improvement in the human rights situation in the occupied Arab territories, including Palestine, depended on Israel's willingness to fulfil its obligations under international humanitarian law. It was to be hoped that the international community's current efforts would bring the two parties back to the negotiating table.

77. Mr. BEN SALEM (Observer for Tunisia), speaking on behalf of the African Group, said that the Group condemned the continuing violation of the human rights of Palestinians - especially those of women and children - the assassinations and collective punishments, and the restriction of movement imposed on the Palestinian people. It strongly condemned the Israeli Government's racist and terrorist practices, its policy of occupation, which jeopardized the peace process, its escalation of military aggression and its blockade of the Palestinian people.

78. The African Group believed that a just and durable peace in the Middle East could be achieved only if the human rights of the Palestinian people, including their inalienable right to self-determination, were respected. It welcomed Security Council resolution 1397 (2002) and looked forward to the early realization of the Palestinian people's right to live in a sovereign and independent State.

79. Mr. GUEYE (Senegal) said that his delegation endorsed the statement made by the representative of Malaysia, on behalf of the member States of OIC, and by the observer for Tunisia, on behalf of the African Group. It urged the Special Rapporteur to continue with his measured and constructive approach to informing the Commission on the situation in the occupied territories.

80. His Government remained deeply concerned at the explosive situation in those territories, which had been the scene of indescribable events and blind violence since September 2000, and it was with some bitterness that his delegation participated in the debate. Security considerations should under no circumstances override respect for people's human rights and dignity. Arbitrary measures that were inconsistent with international law could not but fan the flames of hatred and violence.

81. His delegation was particularly concerned at the situation of President Arafat. Any violation of his right to physical and moral integrity would have incalculable consequences for the future of the region. His delegation reaffirmed its unfailing solidarity with President Arafat and with the heroic struggle of the Palestinian people.

82. Recalling that the key to security for all was peace for all, he said that the establishment of a democratic and peaceful Palestinian State would be the best guarantee of Israel's legitimate right to security and internationally recognized borders. His delegation therefore welcomed Security Council resolution 1397 (2002). It also supported recommendations in the Mitchell Report, the other relevant Security Council resolutions and the peace plan put forward by Prince Abdullah of Saudi Arabia and stressed the importance of the principle of the exchanging land for peace.

83. The parties to the conflict and the international community should not give up hope of achieving peace. Reason and common sense would be the keys to progress; Israel and the future Palestinian State must recognize each other's right to exist and to live in peace, security and dignity. His delegation, which occupied the Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and was a member of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, would spare no effort in supporting peace initiatives. It remained committed to promoting justice in the Middle East and would increase its efforts in support of peace and harmony in the region.

84. Mr. Jakubowski (Poland) resumed the Chair.

85. Mr. BERGHJOHANSEN (Observer for Norway) said his Government was shocked at the tragic loss of life in the latest round of violence in the Middle East. Both parties had a legitimate right to security, but security could be achieved only through peaceful means. Both parties must halt the hostilities and take the necessary steps to restore confidence, re-establish dialogue and resume negotiations. Both parties must respect international human rights standards.

86. Israel, as a democratic State that was a signatory to international human rights instruments, had a clear duty to respect international law in the occupied territories, particularly the Fourth Geneva Convention, and had a special responsibility to act with restraint due to its military superiority. Extrajudicial executions violated the rule of law and attacks on ambulances and health personnel were in contravention of humanitarian standards. Israel must put an end to collective punishment, stop the demolition of houses and the destruction of infrastructure and lift its restrictions on movement. Nearly 50 per cent of the Palestinian population was living below the poverty line and unemployment was increasing. He therefore urged the Government of Israel to ease the economic situation in the Palestinian territory by transferring all revenues rightfully belonging to the Palestinian Authority and accepting the United States proposal to use withheld VAT funds for payment of the Authority's debt.

87. Although Palestine was not yet a State, the Palestinian Authority had stated that it would abide by internationally recognized human rights standards. It must therefore do its utmost to prevent human rights violations. His Government strongly condemned the terrorist attacks by

Palestinian armed groups and once again called on the Palestinian authorities to arrest known terrorists and do more to stop such atrocities. It must ensure respect for all human lives and he condemned the killings of alleged collaborators. Every killing, whether of a Palestinian or of an Israeli, must be investigated and the perpetrators brought to justice.

88. The resumed peace process should aim at a just, comprehensive and lasting solution to the conflict, based on the right of both peoples to live in peace within safe and recognized borders. A peaceful settlement could be reached only if the fundamental rights of both Palestinians and Israelis were respected. The Palestinians had the right to expect an end to the occupation and the establishment of an independent and democratic State, while the Israelis had an inalienable right to live in peace and security within internationally recognized borders. The international community must act in a concerted manner to promote peace in the Middle East, but he stressed that peace would be possible only if the parties themselves wished it.

89. Mr. HUSSAI[illegible] (Observer for Iraq) deplored the continuing violations of the rights of the Palestinian people by the Israeli occupation forces, which were crimes against humanity condemned by the Commission and by other United Nations bodies. The IDF had taken advantage of the aftermath of 11 September 2001 to escalate the intensity of its actions against the population and infrastructure of Palestine. He rejected attempts to portray those who criticized Israeli actions as anti-Semitic and called on the Commission to urge the implementation of the relevant resolutions by United Nations bodies and the Fourth Geneva Convention and to reaffirm the right of the Palestinian people to self-determination and independence and the right of refugees to return to their ancestral lands. The international community must prevail on Israel to withdraw from all the occupied territories and put an end to its settlements there.

90. Mr. MARAFI (Observer for Kuwait) expressed concern at the deterioration in the human rights situation in the occupied Palestinian territory and at the Israeli violations of the rights of the Palestinian people. Israel had not implemented the relevant international resolutions or the agreements entered into with the Palestinian Authority from the Madrid Conference onwards.

91. It was the Commission's responsibility to prevail on Israel to put an end to violence and respect international law and to further international efforts towards an immediate and unconditional end to unacceptable practices. Israel must return to negotiations based on the relevant resolutions, recognizing the fact that a permanent peace would be possible only if an independent Palestinian State, with its capital at Jerusalem, was established. Israel must also withdraw from the Golan Heights to its pre-June 1967 boundaries and release all prisoners from the occupied territories.

92. Mr. MOJIAHED SHABESTARI (Observer for the Islamic Republic of Iran) said he deplored the continued gross human rights violations and crimes against the Palestinian people on the part of the IDF, as documented by the report of the Special Rapporteur (E/CN.4/2002/32). His delegation welcomed the efforts of the United Nations system, including the Commission, to shed light on the terrible situation in the occupied territories, where innocent Palestinians, including children and women, continued to be massacred. It particularly deplored the high numbers of children among the dead and injured.

93. The occupying regime continued to practice a wide range of illegal and inhuman measures against the Palestinian people, including assassination, collective punishment, constant incursions, demolition of housing, destruction of agricultural land, closures of cities and towns, disruption of education and health systems and blockading of the movement of relief services and medical rescue teams. Such practices were in violation of international law, including the Fourth Geneva Convention. Israel had not only ignored calls for an end to those illegal and inhuman practices but had even escalated its aggression, launching attacks against refugee camps and reoccupying Palestinian towns.

94. The fundamental cause of the grave situation in the occupied Palestinian territory was the occupation itself and the denial of the fundamental rights of Palestinian people, particularly their right to self-determination. The situation of the holy city of Al-Quds (Jerusalem), and in particular Israeli measures aimed at altering the legal, demographic, architectural and cultural status of the city was a matter of paramount importance. The continued Israeli occupation of the Syrian Golan and parts of south Lebanon was also of concern to the Commission.

95. It was imperative that the United Nations system takes more effective and practical steps to put an end to the crimes perpetrated by the IDF and hold the Government of Israel to account in order to help protect the defenceless Palestinian people.

96. Mr. NORDMANN (Observer for Switzerland) said that, on 5 December 2001, the 115 States that were High Contracting Parties to the Fourth Geneva Convention, later supported by other States in the General Assembly, had reaffirmed the applicability of that Convention to all the occupied Palestinian territory, including East Jerusalem. Those States had also expressed their support for the efforts of humanitarian organizations such as ICRC, UNRWA and the Office of the High Commissioner for Human Rights (OHCHR).

97. International humanitarian law set out minimum standards which must be respected at all times, without condition or demands for reciprocity. His delegation therefore deplored the continuing violations of international humanitarian law in the occupied Palestinian territories which went uninvestigated and unpunished and for which no compensation was offered, greatly contributing to the climate of violence.

98. Governments must combat terrorism, but must do so with respect for humanitarian principles and the rule of law. Attacks against legitimate military targets must be distinguished from indiscriminate terrorist attacks against civilian objectives, be they suicide attacks or the use of military force to respond to stone throwing or demands for self-determination.

99. His delegation was concerned at Israel's failure to respond to calls from the international community to respect humanitarian law and put an end to practices such as extrajudicial executions, collective punishment, military reprisals against refugee camps and attacks on ambulances, which could only contribute to the climate of hate and violence. The situation was further aggravated by the continued expansion and establishment of settlements, forbidden under international law.

100. He called on both parties to respect international humanitarian standards aimed at limiting violence, which affected not only ordinary civilians but also the media and humanitarian workers. The day before, for example, two members of the Temporary International Presence in Hebron (TIPH), the only international observer mission in the occupied territories, one a Swiss and one a Turk had been killed. His delegation, in conjunction with the delegation of Turkey, demanded that a full investigation be held into that armed attack.

101. Terrorism and ethnic segregation served the interests of no one. It was the Commission's duty to recall that the only path to a just and lasting peace was full respect for international law, particularly with regard to the protection of civilian populations.

102. Mr. OULD BABAKER (Observer for the League of Arab States) said he deplored the continued violations of international humanitarian law in the occupied territories and stressed the importance of monitoring by international observers. The current situation was tantamount to a unilateral declaration of war on the part of a State against an occupied people. The international community must force Israel to end its unlawful practices and settlement policy. The Israeli Government, although asserting that it wished to negotiate peace, continued to act with impunity and he recalled that Mr. Sharon had never been held to account for his role in the Sabra and Shatila massacre and that it was his visit to the Al-Aqsa Mosque which had precipitated the intifada.

103. Israel must put an end to its occupation of Palestinian territory as well as territory in the Syrian Golan and southern Lebanon and must withdraw all its settlements. It was only through those actions and the creation of an independent Palestinian State that peace for all the peoples involved, including the people of Israel, would be achieved.

104. Mr. LEVY (Observer for Israel) speaking in exercise of the right of reply, said he noted that a number of speakers had called on both sides to the conflict to take steps to put an end to the violence but regretted that the representative of Malaysia, speaking on behalf of the OIC and the representative of Tunisia, speaking on behalf of the African Group, had put the onus on Israel alone. He stressed that Mr. Arafat must call for a complete end to violence, arrest those guilty of attacks, put an end to the incitement to violence and collect illegal weapons. The one-sided attitude revealed in the statement by the observer for the League of Arab States was not helpful either.

105. The spokesman for the OIC had also called on Israel to address the root causes of the Middle East conflict. The Government of Prime Minister Barak had done just that in 2000 and 2001, putting forward proposals on borders, refugees, settlements and the status of Jerusalem, but the Palestinian Authority had chosen to respond with violence. He was also outraged by statements by the representative of Algeria comparing what was basically a political conflict to the crimes of the Holocaust and attempting to rewrite history. As for alleged Israeli suicide bombers, he defied anyone to cite an example of a Jewish religious authority condoning such attacks.

106. Lastly, in response to speakers who had criticized attacks against Red Crescent ambulances and the use of roadblocks in the occupied territories, he said that he had been informed that, two hours previously, a Red Crescent ambulance had been stopped at a roadblock.

The driver, accompanied by a medical doctor and a woman and three sick children, had been identified as a wanted suspect who had admitted that the ambulance contained a belt of explosives which had been given to him by a would-be suicide bomber. The Israeli commander at the roadblock had immediately summoned representatives of the ICRC and the international media. On their arrival, he had, in their presence, opened the ambulance and revealed the explosives which were hidden on a stretcher. The explosives were then detonated by sappers. He said he felt there was no need for further comment.

107. Mr. DEMBRI (Algeria), speaking in exercise of the right of reply, said that, although Ismail and Isaac were both sons of Abraham, Ismail was the elder. He recalled that the Balfour Declaration viewed with favour the establishment of a Jewish homeland in Palestine while ensuring full respect for the rights of the local population. He also pointed out that, Mr. Melchior, a rabbi, had referred to the deportation of Palestinians. He reaffirmed that his version of history was the true one.

The meeting rose at 1.05 p.m.